

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 05-1849 JH

DANA JARVIS, et al.,

Defendants.

ORDER

This matter is before the Court on the *United States' Motion for Rule 44(c) Hearing and Memorandum in Support Thereof* [Doc. No. 226]. On October 27, 2005, the Court held a hearing on this matter at which the government was represented by James Braun and Steve Kotz. Defendant Dana Jarvis, who was present, was represented by Cliff McIntyre and Judith Rosenstein, and Defendant Cathy Fitzgerald, who was present, was represented by Cliff McIntyre.

After considering the arguments of counsel as well as the briefs and legal authorities filed by the parties, the Court concludes that there is good cause to believe that a conflict of interest in this case between Mr. Jarvis and Ms. Fitzgerald is likely to arise. In order to protect each defendant's right to effective assistance of counsel, the Court finds that Mr. McIntyre may not represent both Mr. Jarvis and Ms. Fitzgerald in this case; rather, the two defendants must have separate counsel.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE